

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X
TURNER CONSTRUCTION COMPANY and
ROCKEFELLER CENTER NORTH, INC.,

Plaintiffs,

-v-

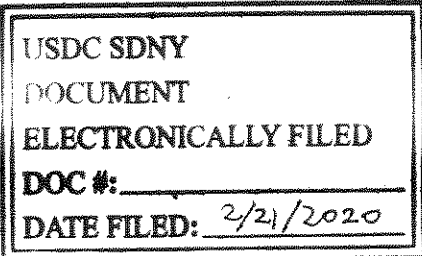
WESTCHESTER SURPLUS LINES INSURANCE
COMPANY,

Defendant.

----- X
DENISE COTE, District Judge:

19cv8307 (DLC)

ORDER




It having been reported to this Court that the parties have settled, it is hereby

ORDERED that the duty to defend claim in the above-captioned action is dismissed without costs to any party and without prejudice to restoring that claim to this Court's calendar if the application to restore that claim is made by **March 16, 2020**. If no such application is made by that date, today's dismissal of the duty to defend claim is with prejudice. See Muze, Inc. v. Digital On Demand, Inc., 356 F.3d 492, 494 n.1 (2d Cir. 2004).

IT IS FURTHER ORDERED that the duty to indemnify claim in

the above captioned action is dismissed without prejudice.

Dated: New York, New York
February 20, 2020



DENISE COTE
United States District Judge